

# Notice of Allowability

Application No.

10/657,973

Examiner

Matthew Johnson

Applicant(s)

SCHALK ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 10/31/2006.
2. ☒ The allowed claim(s) is/are 11, 12, 17-20, 24, 30, 31, 33, 34 and 35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 11, 12, 17-20, 24, 30, 31, 33, 34 and 35 are allowed.

### ***Reason for Allowance***

2. The following is an examiner's statement of reasons for allowance: regarding claims 11, 19 and 30, the prior art of record does not teach nor render obvious the claimed combination, wherein comprising a power transmission arrangement comprising a drive gear mounted on a drive shaft, a shift plate supported by the drive shaft and rotatable between a first and a second position about an axis of the drive shaft, the shift plate including a first cam surface and a second cam surface, a pinion gear supported by the shift plate and movable between a disengaged position and an engaged position with an idler gear engaged with the drive gear, wherein the pinion gear is supported by the first cam surface in the disengaged position and supported by the second cam surface in the engaged position.

Newly recited reference Gaarder et al. (USP -6,666,446) discloses a drive gear (98) mounted on a drive shaft (92), a shift plate (54) supported by the drive shaft and rotatable between a first and a second position about an axis of the drive shaft, the shift plate including a first cam surface (upper end of 58) and a second cam surface (lower end of 58), a pinion gear (110) movable between a disengaged position and an engaged position with an idler gear (82).

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Gaarder does not disclose that the idler gear is engaged with the drive gear. Gaarder's pinion gear (110) is permanently engaged (C3 L29-31) to the drive gear (98) or with one of the intermediate gears (102, 104) and is engaged and disengaged with gear (82), which is not engaged with the drive gear (98). Therefore pinion gear (110) would be the equivalent of the idler gear of the claimed invention. While Gaarder's gear (98) is movable between a first and second position when the shift plate (54) is rotated, gear (98) is not supported by the first cam surface of the shift plate when in the disengaged position and supported by the second cam surface of the shift plate when in the engaged position, as claimed by the applicant. Further, the prior art of record does not teach nor provide motivation to combine the features to reach the claimed invention of the instant application.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Johnson whose telephone number is 571-272-7944. The examiner can normally be reached on Monday - Friday 8:30a.m. - 5:00p.m. EST.

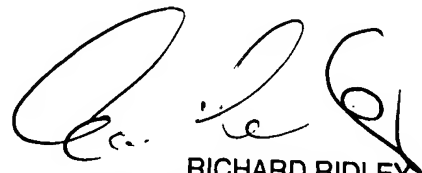
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ

MJ 3/13/2007



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER